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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,430	02/22/2007	Kazuaki Imaizumi	502740.20005	2012

26418 7590 01/28/2010  
REED SMITH, LLP  
ATTN: PATENT RECORDS DEPARTMENT  
599 LEXINGTON AVENUE, 29TH FLOOR  
NEW YORK, NY 10022-7650

EXAMINER
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SIMMONS, JENNIFER E

ART UNIT	PAPER NUMBER
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2854

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,430	<b>Applicant(s)</b> IMAIZUMI, KAZUAKI	
	<b>Examiner</b> Jennifer Simmons	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of Species 1 as in figures 1-5 corresponding to claims 1 and 2 in the reply filed on 9/25/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claim 3 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Specification***

The abstract is objected to because it includes reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the abstract should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the abstract. See MPEP § 608.01(b).

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "point P" on page 10, lines 1.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "B" on page 10, line 11 and "B' " on page 10, lines 21-22 have both been used to designate reflected light. It is believed that this error would be corrected by changing "reflected light B" on page 10, lines 21-22 to read - - actual reflected light B' - -.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by Akaike et al. (US PGPub 2002/0061203 A1).

As to claim 1, Akaike et al. teaches an image forming apparatus (see figure 1 and paragraph [0001]) where a paper feed opening portion (the opening allowing for paper on manual feed tray 15 to be fed into the apparatus, paragraph [0032], lines 9-14) for feeding a recording medium toward a transfer region of an image carrier formed with an electrostatic latent image (paragraph [0032], lines 12-24) is provided in an apparatus main unit (see figure 1), wherein a paper conveying path face extending from the paper feed opening portion (above manual paper tray 15 in figure 1) to the transfer region (transfer region or position 19 in figure 1) is formed of an inclined face (the top surface of tray 15 in figure 1) set to such an angle that ambient light entering inside the apparatus main unit through the paper feed opening portion is reflected in a direction except for a direction toward the image carrier (as can be seen in figure 1, no light that entered from the opening above tray 15, there is no straight line reflection from a light ray that enters through the opening above tray 15 that would be capable of reflection to interfere with the image on the photoreceptor or image carrier 10 in figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

In the alternative, under the interpretation that the inability for light to reflect to the image carrier from the opening is not sufficient to teach the inclined face set to such an angle that ambient light entering inside the apparatus main unit through the paper feed opening portion is reflected in a direction except for a direction toward the image carrier, Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as obvious over Akaike et al. (US PGPub 2002/0061203 A1) in view of Mochizuki (JP 06-222631 A).

Akaike et al. teaches all of the limitations of the invention as noted above except explicitly teaching that ambient light entering inside the apparatus main unit through the paper feed opening portion is reflected in a direction except for a direction toward the image carrier.

Mochizuri teaches preventing reflections of ambient light entering a printer through an opening from reaching the image carrier (paragraph [0005] and [0007]).

It would have been obvious to one skilled in the art at the time of the invention to modify the paper feed opening portion of Akaike et al. to prevent the reflection of ambient light into the image carrier from an opening portion as taught by Mochizuri

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because it would prevent disruption of the image to be printed (paragraph [0005], lines 5-8).

As to claim 2, Akaike et al. teaches the inclined face forming the paper conveying path face is constituted of a flat face (see figure 1 where tray 15 is formed with a flat upper face which forms the paper conveying path face).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Simmons whose telephone number is (571)270-7807. The examiner can normally be reached on Monday-Friday, 7:30 a.m.-5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S./  
Examiner, Art Unit 2854

/Judy Nguyen/  
Supervisory Patent Examiner, Art Unit 2854